

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
*Philadelphia Division***

IN RE: IRVIN E. LAWRENCE and : Chapter 13
 HELEN LAWRENCE : No. 11-11610-sr
 Debtors :

**MOTION OF WELLS FARGO BANK, N.A. FOR RELIEF
FROM THE AUTOMATIC STAY REGARDING REAL PROPERTY
OF THE DEBTORS KNOWN AND NUMBERED AS
1502 WEST 12TH STREET, CHESTER, PA 19013**

Wells Fargo Bank, N.A. s/b/m/t Wachovia Bank, N.A., by and through its counsel, Linton, Distasio & Edwards, P.C. and Anthony R. Distasio, Esquire, moves this Court for relief from the automatic stay and in support thereof avers the following:

1. Wells Fargo Bank, N.A., is a secured creditor of the Debtors maintaining a security interest in real estate located at 1502 West 12th Street, Chester, Pennsylvania, by virtue of a mortgage dated 06/15/2006 in the amount of \$65,478.00, recorded 06/28/2006 to Record Book 03838-0997 Delaware County Records.

2. On March 3, 2011, Debtors petitioned for relief under Chapter 13 of the United States Bankruptcy Code.

3. As of September 26, 2011, Movant was owed a principal balance on the Mortgage of \$56,450.18 exclusive of interest, late charges, attorney fees and costs.

4. As of September 26, 2011, the Debtors owe post petition arrears on the Mortgage as follows: 07/14/2011 through 09/14/2011 in the amount of \$605.86 each for total arrears of \$1,817.58 plus attorney fees of \$450.00 and costs of \$150.00. The next payment of \$605.86 is due 10/14/11.

5. The Debtors' Chapter 13 Plan provides for all post petition payments to Movant outside the Chapter 13 Plan.

6. Movant is not adequately protected and is irreparably harmed by continuation of the stay given the lack of payments to Movant.

7. Movant seeks relief from the automatic stay for cause, including the lack of adequate protection.

8. The property is not the residence of the Debtors.

9. The property is not necessary for an effective reorganization.

10. Movant seeks relief from the automatic stay to pursue its state law remedies which include the foreclosure and sale of the property, modification, short sale or workouts as well as any action for possession of the property.

11. Movant is seeking attorney fees for representation in this bankruptcy of \$450.00 and filing fees of \$150.00 to be charged against Debtor's mortgage balance.

12. Movant seeks to have the time period provided in Rule 4001 (a)(3) to be determined to be not applicable or otherwise waived.

WHEREFORE, Wells Fargo Bank, N.A., respectfully requests this Court to enter an Order in the form of the attached proposed Order, granting Wells Fargo Bank, N.A. relief from the automatic stay and a determination that the time period provided in Rule 4001(a)(3) is not applicable or is otherwise waived.

Respectfully submitted
LINTON, DISTASIO & EDWARDS, P.C.

/s/Anthony R. Distasio
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